

ADMINISTRATIVE CONDITIONAL USE PERMIT REPORT & DECISION

A. SUMMARY AND PURPOSE OF REQUEST

REPORT DATE: August 22, 2011

Project Name: Matthew's Accessory Dwelling Unit

Owner: James & Kathy Matthew
223 Garden Avenue North
Renton, WA 98057

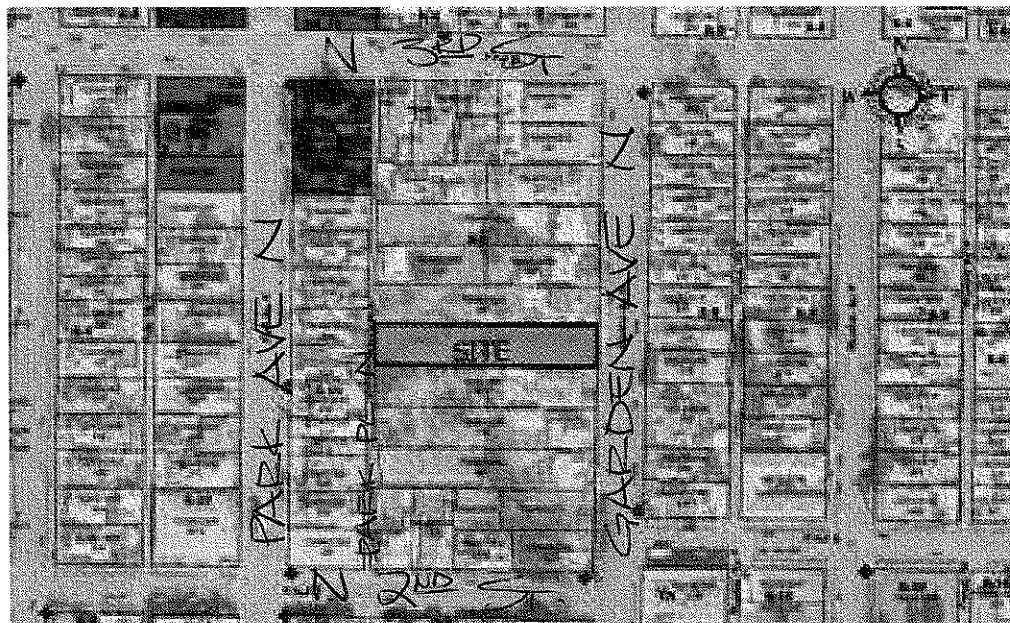
Contact: Same as above

File Number: LUA11-046, CU-A

Project Manager: Gerald Wasser, Associate Planner

Project Summary: The applicant is requesting approval of an Administrative Conditional Use Permit to allow the continued use of an existing 775 square foot structure as an Accessory Dwelling Unit (ADU) in association with an existing single family residence and a detached garage on a 13,550 square foot lot in the Residential - 8 dwelling units per acre (R- 8) zone. The proposed ADU is currently permitted as a temporary use for a medical hardship (LUA10-053, TP). The project site is a flat lot. The proposed project is Categorically Exempt in SEPA regulations. Access to the proposed project would continue via an existing driveway from Garden Avenue North and via an existing alley on the west side of the property.

Project Location: 223 Garden Avenue North



B. PROJECT DESCRIPTION/BACKGROUND:

The applicant has requested approval of an Administrative Conditional Use Permit in order to be allowed to have a permanent ADU on a site that is presently developed with a detached single-family home, a detached garage, and an accessory dwelling unit. The existing one-story, 775 square foot ADU is a permitted use established through a Temporary Use Permit for a medical hardship (which no longer exists) on August 23, 2004 (LUA04-092). On September 16, 2010 a temporary use permit (LUA10-053, TP) was issued for the same structure for a period of one year. The ADU has a gabled roof which is reminiscent of the craftsman style. The project site is 13,500 square feet in size and is in the Residential – 8 dwelling unit per acre (R-8) zone. The site is flat and is located in North Renton, on the west side of Garden Avenue North. An alley (Park Place North) abuts the rear (west) property line of the subject property. The existing home is a one-story, hip roofed structure, and is 1,490 square feet in size; and the existing one-story garage is 576 square feet. The existing home is set back 20 feet from the front property line.

Established landscaping includes a lawn and shrubs in the front yard of the single-family house; a lawn and two dogwood trees also exist in the rear yard between the back of the single-family house and the ADU. Shrubs and container plants exist along the sides of the ADU.

Vehicular access is provided to the property via an existing driveway along the northern property line and via a driveway off the alley at the rear. Vehicle parking is accommodated in the existing garage and surface parking is availability for the ADU in the driveway along the north side of the property as well as between the ADU and rear property line in the western portion of the property.

C. EXHIBITS:

The following exhibits were entered into the record:

- Exhibit 1:** Aerial Photo
- Exhibit 2:** Site Plan (received June 16, 2011)
- Exhibit 3:** Zoning Map (Sheet F4, W ½)
- Exhibit 4:** Photos of Primary Residence (received June 16, 2011)
- Exhibit 5:** Photos of Existing ADU (received June 16, 2011)
- Exhibit 6:** Photo of Front of East (front) Side of ADU (received June 16, 2011)

D. FINDINGS:

Having reviewed the written record in the matter, the City now makes and enters the following:

- a. Location:** The subject site is located at 223 Garden Avenue North (Exhibits 1). The lot orients to the east and fronts on Garden Avenue North.
- b. Governing Code:** The regulations for accessory dwelling units are covered under RMC 4-2-060D, RMC 4-2-080A.7, RMC 4-2-110A, and RMC 4-2-110B.

- c. **Conditional Use:** The analysis of the proposal according to conditional use permit criteria is found in the body of the staff report.
- d. **Request:** The applicant has requested approval of an administrative conditional use permit for an existing 775 square foot accessory dwelling unit in the R-8 zone (RMC 4-2-060D). The accessory dwelling unit was originally approved as a temporary use for a medical hardship (LUA04-092, TP and LUA10-053, TP).
- e. **Current Use of Project Site:** The site is occupied by an existing 1,470 square foot single-family detached dwelling unit, a 576 square foot detached garage, and a 775 square foot accessory dwelling unit (Exhibit 2). The proposal would create a permanent accessory dwelling unit.
- f. **Administrative Conditional Use Permit:** The applicant's administrative conditional use permit submittal materials comply with the requirements necessary to process a conditional use permit for an accessory dwelling unit. The applicant's site plan and other project drawings are provided as Exhibits 1 through 6.
- g. **Existing Land Use:** Land uses surrounding the subject site include:
 - 1. North – single-family residences (R-8 zoning);
 - 2. South – single-family residences (R-8 zoning);
 - 3. East – single-family residences (R-10 zoning);
 - 4. West – single-family residences (R-8 zoning).
- h. **Zoning:** The site is located in the Residential –8 dwelling units per acre (R-8) zone (Exhibit 3).
- i. **Topography:** The site is flat.
- j. **Yards:** The front yard is oriented to Garden Avenue North; the north and south side yards abut the side yards of single-family residential properties; the rear yard abuts an existing alley (Park Place North).
- k. **Development Regulations:** ADUs are not subject to development standards which regulate density, lot coverage, and number of accessory structures.
- l. **Lot Coverage (Building Footprint):** Existing lot coverage is estimated to be 21% with the existing structures. However, the ADU does not count toward lot coverage; therefore, the ultimate lot coverage would be 15%.

E. CONSISTENCY WITH CONDITIONAL USE CRITERIA:

RMC 4-9-030G lists 11 criteria that the Reviewing Official is asked to consider, along with all other relevant information, in making a decision on an Administrative Conditional Use Permit application. The 11 criteria are:

1. **The proposed use shall be compatible with the general purpose, goals, objectives and standards of the Comprehensive Plan, the zoning regulations and any other plan, program, map or ordinance of the City of Renton.**

The R-8 zone, in which the proposed use is located, implements the Residential Single Family (RSF) Land Use Designation of the Comprehensive Plan. Land designated as Residential Single Family is intended to be used for quality detached residential development organized into

neighborhoods at urban densities. It is intended that larger subdivision, infill development, and rehabilitation of existing housing be carefully designed to enhance and improve the quality of single-family environments. Accessory dwelling units are allowed in the R-8 zone with an approved Administrative Conditional Use Permit. The proposed use would be compatible with the Comprehensive Plan and zoning regulations. The proposed project meets the purpose of the Comprehensive Plan Residential Single Family Land Use Designation which is intended to create the opportunity for neighborhoods that offer a variety of lot sizes, housing, and ownership options. It also meets Comprehensive Plan *Objective H-E* to increase housing opportunities for low and very low-income residents and provide a fair share of low-income housing in the future. It also meets *Policy H-44* (support accessory dwelling units as strategies for providing a variety of housing types and as a strategy for providing affordable housing), and *Policy LU-140* (infill development on vacant and underutilized parcels in Renton's established neighborhoods).

RMC 4-2-080A.7 requires that the property owner file an affidavit affirming that the owner will occupy the principal dwelling or the ADU. Further, this section of the Code requires that prior to the issuance of building permits; the owner shall record a notice on the property title. The notice shall bear the notarized signature of all property owners listed on the property title and include the legal description of the property, a copy of the approved site/floor plan, and the applicability of the restrictions regarding ADUs in RMC Title IV. Because the ADU was established through temporary use permits and is an existing structure which will not require further building permits, staff recommends as a condition of approval that within 30 days of the approval, the owner shall file an affidavit with the Planning Division Project Manager affirming that the owner will occupy the principal dwelling or the ADU; and that the owner shall record a notice on the property title bearing the signatures of all property owners listed on the title and include the legal description of the property, a copy of the approved site plan, and the applicable restrictions regarding ADUs in RMC Title IV.

If Code requirements and the condition of approval are met, the project will be in conformance with the Zoning regulations and Comprehensive Plan.

2. The proposed use constitutes a community need for the proposed location. Community need factors include, among all other relevant information:

- a. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use.**

The Code allows for 50 accessory dwelling units to be permitted per year. If approved this would be the third ADU to be permitted in 2011. One of these approved ADUs (LUA11-002) is at 341 Wells Avenue North approximately 5 blocks from the subject property. Therefore, the proposed project would not result in an over-concentration of a particular use within the City or within the immediate area of the proposed use.

- b. That the proposed location is suited for the proposed use.**

The project site is a 13,550 square foot lot in the R-8 zone. The proposal would result in the permanent continuation of a use that has existed through temporary use permits since 2004. In the R-8 zone one detached dwelling with one accessory dwelling unit is

allowed on each legal lot. ADUs are allowed as an accessory use to a detached single-family structure. ADUs are subject to the development standards applicable to primary structures and consistent with the architectural character of the primary structure. In addition, an ADU is limited to 800 square feet in size. The proposal, at 775 net square feet, meets the size requirement. It is also proposed in conjunction with an existing single-family dwelling. The size of the subject property at the current location is appropriate for the ADU.

3. The proposed use at the proposed location shall not result in substantial or undue adverse effects on adjacent property. The following site requirements shall be required:

- a. **Lot coverage in residential districts (SF and MF) shall not exceed 50% of the lot coverage in the zone in which the proposed use is to be located, except for detached accessory dwelling units, which shall not be counted toward lot coverage calculations. Lot coverage in all other zones shall conform to the requirements of the zone in which the proposed use is to be located.**

The existing building coverage is approximately 21% of the 13,550 square foot lot. This lot is larger than most lots in the R-8 zone. If approved as a permanent use, the 775 square foot (living area) accessory dwelling unit would not be counted toward lot coverage calculations. Therefore, the lot coverage would be approximately 15% and would be in conformance with this decision criterion.

- b. **Yards shall conform to the requirements of the zone in which the proposed use is to be located. Additions to the structure shall not be allowed in any required yard.**

The proposed ADU is presently located at the rear of the property. The proposal conforms to the development standards of the R-8 zone. The required front yard setback is 15 feet and the ADU is set back approximately 191 feet from the front property line. The side yard setback for accessory dwelling units is 5 feet; the south side yard setback is 5 feet and the north side yard setback is 25 feet. Rear yards for accessory dwelling units are determined through the administrative review process and are to be no less than 5 feet, and no greater than 20 feet; however, this is an existing legally established ADU which has a rear yard setback of 43 feet. Therefore, the proposed ADU conforms to the R-8 setback requirements.

- c. **Building and structure heights shall conform to the requirements of the zone in which the proposed use is to be located. Spires, belltowers, public utility antennas or similar structures may exceed the height requirement upon approval of a variance. Building heights should be related to surrounding uses in order to allow optimal sunlight and ventilation, and minimal obstruction of views.**

The maximum height for ADUs in the R-8 zone is 30 feet. The ADU structure is one story with a pitched roof and is less than 15 feet in height. Homes in the area are one to two stories in height. The ADU structure is less than the 30 feet permitted for an ADU in the R-8 zone, and is compatible with the residential character of the surrounding neighborhood.

- 4. The proposed use shall be compatible with the residential scale and character of the neighborhood.**

The ADU is located on a 13,550 square foot lot in the R-8 zone in association with an existing single-family house and a detached garage. The existing one-story single-family home is a rambler in style. The existing ADU is a traditional cottage (Exhibits 4 and 5). While siding on the primary structure is horizontal and the siding on the ADU is vertical, they appear to be compatible and have existed on the same lot since 2004. The surrounding neighborhood is made up of an eclectic mix of styles of detached single-family homes also zoned R-8.

- 5. Parking under the building structure should be encouraged. Lot coverage may be increased to as much as 75% of the lot coverage requirement of the zone in which the proposed use is located if all parking is provided underground or within the structure.**

The existing ADU, existing single-family home, and detached garage would be the only structures on the project site. There is adequate area for the minimum off-street parking of two vehicles on the subject property. The existing garage is used for parking for the primary residence. There is additional paved area, the total of which is approximately 5,000 square feet, on the project site for additional surface parking which includes parking for the ADU.

- 6. Traffic and circulation patterns of vehicles and pedestrians relating to the proposed use and surrounding area shall be reviewed for potential effects on, and to ensure safe movement in, the surrounding area.**

Curb, gutter, and sidewalk exist in front of this residential lot. No other street improvements are required. Vehicular access to the site would be provided via the existing driveway from Garden Avenue North and via the existing alley along the west side of the subject property. Pedestrian access to the existing house is via an existing walkway from the sidewalk in the Garden Avenue North right-of-way. No change to traffic and circulation patterns of vehicles and pedestrians relating to the proposed use and surrounding area are anticipated.

- 7. Potential noise, light and glare impacts shall be evaluated based on the location of the proposed use on the lot and the location of on-site parking areas, outdoor recreational areas and refuse storage areas.**

The proposal would give permanent status to an existing ADU established previously by temporary use permits. The ADU, single-family residence, and garage currently exist on the project site. No additional light, glare, or noise impacts are anticipated. Refuse storage areas would remain as currently used at the rear of the property.

- 8. Landscaping shall be provided in all areas not occupied by buildings or paving. Additional landscaping may be required to buffer adjacent properties from potentially adverse effects of the proposed use.**

The submitted site plan and photographs (Exhibits 2 and 4 through 6) indicate that the site is planted with existing lawns shrubs, container plants and two dogwood trees between the rear

of the house and the front of the ADU. This established ornamental planting has been in place for several years and no additional vegetation is recommended.

- 9. Accessory uses to conditional uses such as day schools, auditoriums used for social and sport activities, health centers, convents, preschool facilities, convalescent homes and others of a similar nature shall be considered to be separate uses and shall be subject to the provisions of the use district in which they are located.**

The proposed use is an accessory dwelling unit which is allowed in the R-8 zone with an approved Administrative Conditional Use Permit.

- 10. No existing building or structure shall be converted to a conditional use unless such building or structure complies, or is brought into compliance, with the provisions of Chapter 9 of Title IV of the Renton Municipal Code.**

The existing ADU was established through temporary use permits (LUA04-092, TP and LUA10-053, TP). The proposed ADU is an existing structure that would comply with the provisions of Title IV, Chapter 9 of the Renton Municipal Code (Conditional Use Permit).

- 11. The proposed use and location shall be served by and not impose an undue burden on any public improvements, facilities, utilities and services. Approval of a conditional use permit may be conditioned upon the provision and/or guarantee by the applicant of necessary public improvements, facilities, utilities and/or services.**

Police and Fire Department staff indicates that sufficient resources exist to furnish services to the proposed project, subject to the applicant providing Code required improvements.

Any students generated by the proposed ADU would be accommodated at Renton School District's Lakeridge Elementary School, Dimmitt Middle School, and Renton High School. The Renton School District Impact Fee for each new accessory dwelling unit is \$1,258.00. RMC 4-1-160E.3 states that the fee shall be collected at the time of building permit issuance. Because the ADU was established through temporary use permits and is an existing structure which will not require further building permits, staff recommends as a condition of approval that within 30 days of the approval, the applicant shall pay the Renton School District Impact Fee of \$1,258.00. This fee shall be submitted to the Planning Division Project Manager.

Water and sewer system development fees would be due prior to final occupancy permits.

F. CONCLUSIONS:

1. **Request.** The Administrative Conditional Use Permit would allow for the permanent continuation of an existing 775 square foot (net) ADU. The location of the ADU on the project site is indicated in Exhibit 2. All existing structures (single-family house, ADU, and garage) would remain.
2. **Conditional Use Permit.** The proposed Administrative Conditional Use Permit for an Accessory Dwelling Unit meets the eleven criteria to be considered in making a decision on a conditional use permit request as specified in RMC 4-9-030G provided all code requirements are complied with.
3. **Zoning/Comprehensive Plan.** The Administrative Conditional Use Permit complies with the Zoning Code (RMC 4-2-110B and RMC 4-2-115) and the objectives and policies of the Comprehensive Plan.
4. **Recommendation.** Staff recommends approval of the ADU based on the analysis in the staff report.

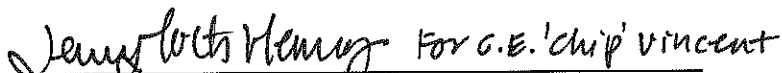
G. DECISION:

The Administrative Conditional Use Permit for the **Matthew's Accessory Dwelling Unit**, File No. **LUA11-046, CU-A** is **approved** subject to the following conditions:

1. Within 30 days of the approval of this conditional use permit, the owner shall file an affidavit with the Planning Division Project Manager affirming that the owner will occupy the principal dwelling or the ADU; and that the owner shall record a notice on the property title bearing the signatures of all property owners listed on the title and include the legal description of the property, a copy of the approved site plan, and the applicable restrictions regarding ADUs in RMC Title IV.
2. Within 30 days of the approval of this conditional use permit, the applicant shall pay the Renton School District Impact Fee of \$1,258.00. This fee shall be submitted to the Planning Division Project Manager.

DATE OF DECISION ON LAND USE ACTION:

SIGNATURE:


C.E. "Chip" Vincent, Planning Director

8/22/2011
Date

TRANSMITTED this 22nd day of August, 2011 to the Owner/Applicant/Contact:
James and Cathy Matthew
223 Garden Avenue North
Renton, WA 98057

TRANSMITTED this 22nd day of August, 2011 to the Party(ies) of Record:
None

TRANSMITTED this 22nd day of August, 2011 to the following:
Neil Watts, Development Services Director
Larry Meckling, Building Official
Kayren Kittrick, Development Services
Fire Marshal
Jennifer Henning, Current Planning
Renton Reporter

Land Use Action Request for Reconsideration, Appeals & Expiration

The administrative land use decision will become final if the decision is not appealed within 14 days of the effective date of decision.

RECONSIDERATION: Within 14 days of the effective date of decision, any party may request that a decision may be reopened by the Administrator (Decision-maker). The Administrator (Decision-maker) may modify his decision if material evidence not readily discoverable prior to the original decision is found or if he finds there was misrepresentation of fact. After review of the reconsideration request, if the Administrator (Decision-maker) finds sufficient evidence to amend the original decision, there will be no further extension of the appeal period. Any person wishing to take further action must file a formal appeal within the 14-day appeal timeframe.

APPEAL: This administrative land use decision will become final if not appealed in writing to the Hearing Examiner on or before 5:00 PM on September 6, 2011. An appeal of the decision must be filed within the 14-day appeal period (RCW 43.21.C.075(3); WAC 197-11-680). Appeals to the Examiner are governed by City of Renton Municipal Code Section 4-8-110. Additional information regarding the appeal process may be obtained from the Renton City Clerk's office, Renton City Hall – 7th Floor, (425) 430-6510. Appeals must be filed in writing, together with the required fee to: Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057.

THE APPEARANCE OF FAIRNESS DOCTRINE: provides that no ex parte (private one-on-one) communications may occur concerning the land use decision. The Doctrine applies not only to the initial decision, but to Appeals to the Hearing Examiner as well. All communications after the decision/approval date must be made in writing through the Hearing Examiner. All communications are public record and this permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence in writing. Any violation of this doctrine could result in the invalidation of the appeal by the Court.

EXPIRATION: The conditional use permit(s) approval will expire two (2) years from the date of decision. A one- (1) year extension may be requested pursuant to RMC 4-9-030.O.

ADVISORY NOTES TO APPLICANT

The following notes are supplemental information provided in conjunction with the administrative land use action. *Because these notes are provided as information only, they are not subject to the appeal process for the land use actions.*

Water:

1. Payment for the Water System Development Charge becomes due with this change to permanent status. With credit for the partial payment of this fee, the outstanding amount to be paid is \$1,836.00.

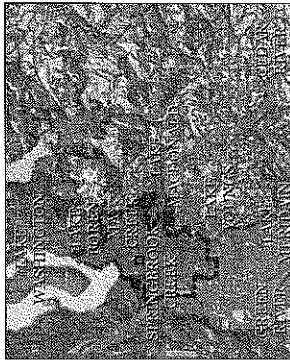
Sewer:

1. Payment for the Sanitary Sewer System Development Charge becomes due with this change to permanent status. With credit for the partial payment of this fee under the Temporary Use fee structure, the outstanding amount to be paid is \$1,241.00.

























Utilities:

1. Any new electrical, phone, and cable services and lines must be undergrounded.

Matthew's ADU LUA11-046, CU-A



Legend

-  Lakes and Rivers
-  Parcels
-  Renton Fire Hydrant
-  Other System Fire Hydrant
-  Street Names
-  Rights of Way
-  Streets
-  Roads
-  Jurisdictions
-  Bellevue
-  Des Moines
-  Issaquah
-  Kent
-  King County
-  Mercer Island
-  Newcastle
-  RENTON
-  SeaTac
-  Seattle
-  Tukwila
-  Aerial (March 2010)
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

1:1,792
@ 8.5" x 11"

Notes

Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

298.7 0 149.36 298.7 Feet

EXHIBIT 2

SCALE 1" = 30'

LOT 7 BLOCK 4 SARTORVILLE
 ACCORDING TO PLAT THEREOF
 RECORDED IN VOLUME 3 PLATS, PAGE 7
 RECORDS OF KING CO.
 LOT SIZE 13,550 Sq. Ft.

LEGAL DESCRIPTION:

ASHURST PROPERTY
 223 GARDEN AVE. N.

WATER, ELECTRICAL, CABLE
 AND TELEPHONE
 LOCATED IN 5' STRIP RUNNIN
 WITH THE SOUTHERN MOST
 PROPERTY LINE.

City of Renton
 Planning Division

JUN 16 2011

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SEWER LOCATED ALONG
 CENTERLINE OF THE PROPERTY
 RUNNING TO THE ALLEY

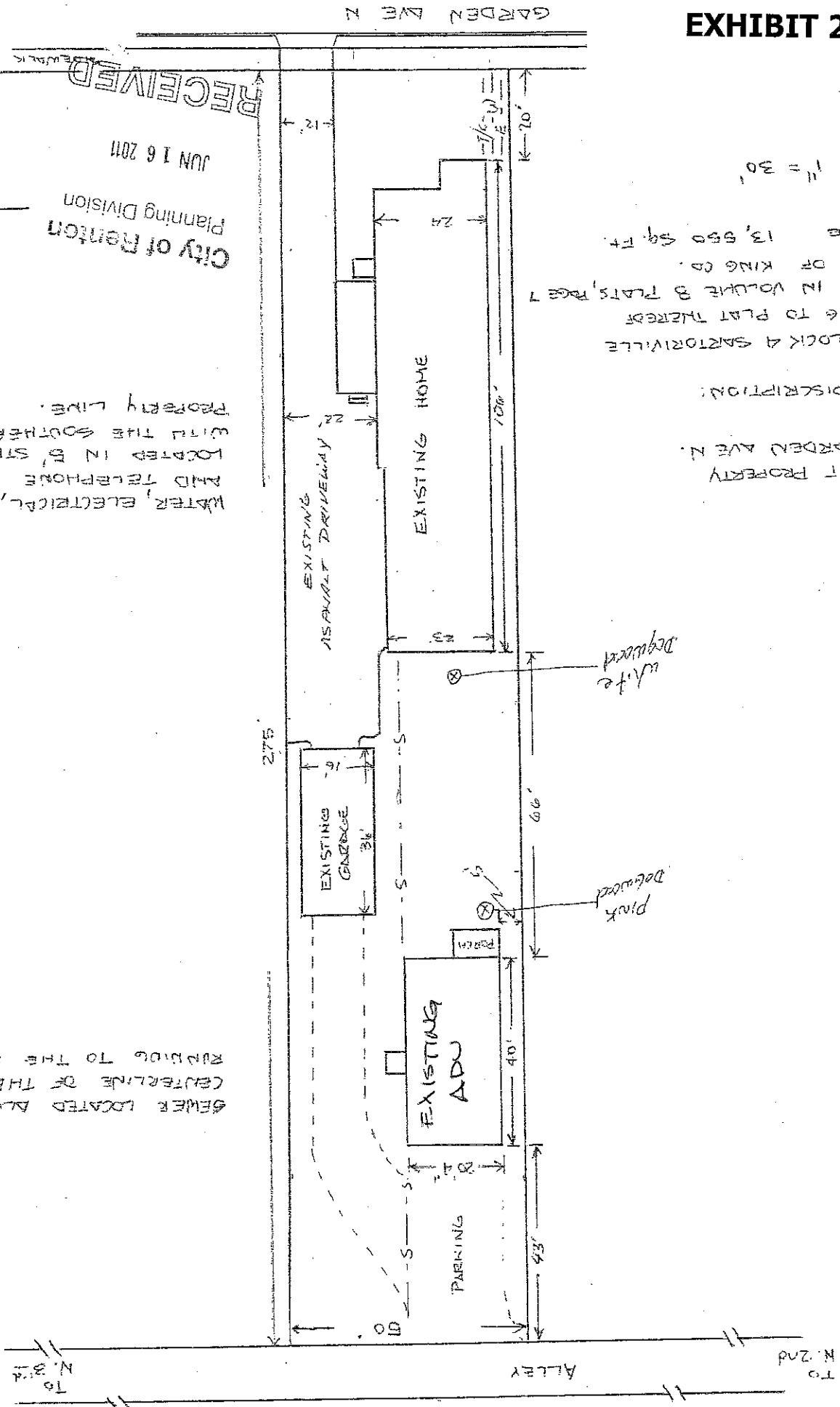
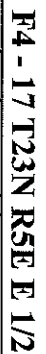
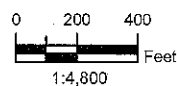


EXHIBIT 3



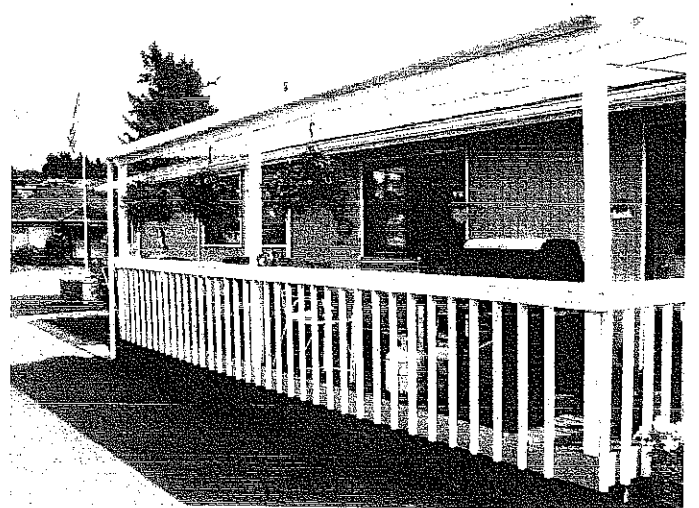
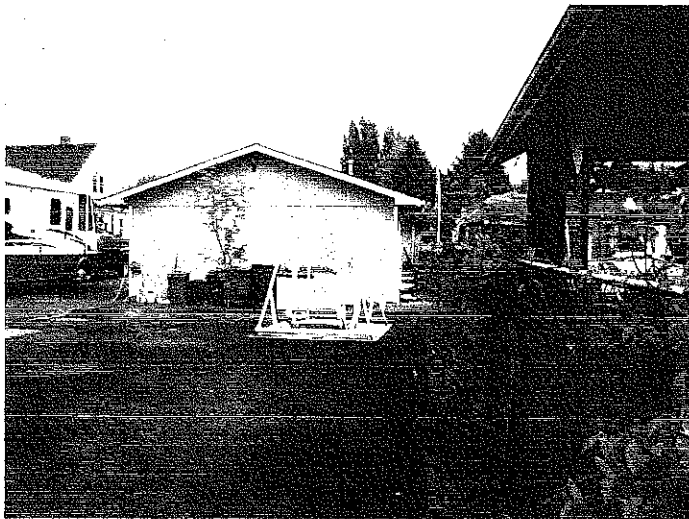
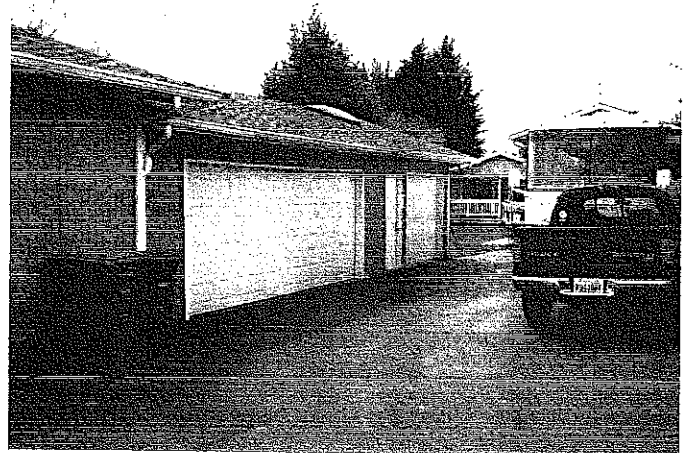
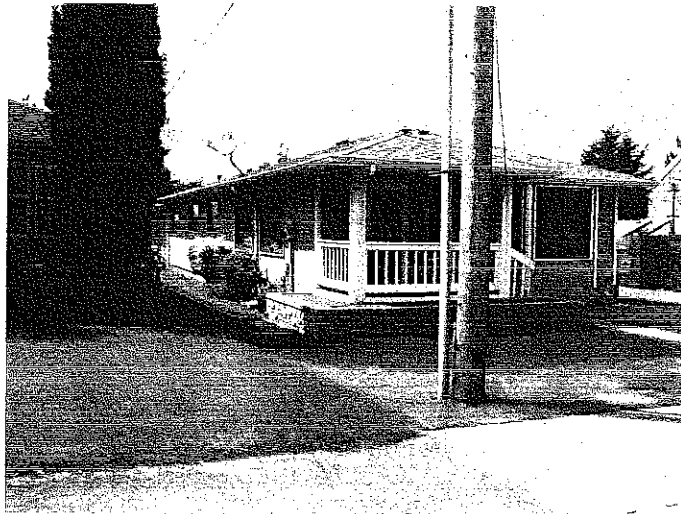
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17 T23N R5E W 1/2

JUN 16 2011

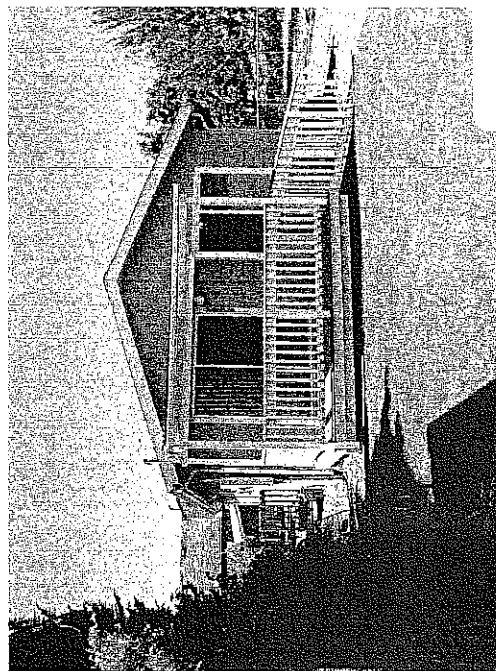
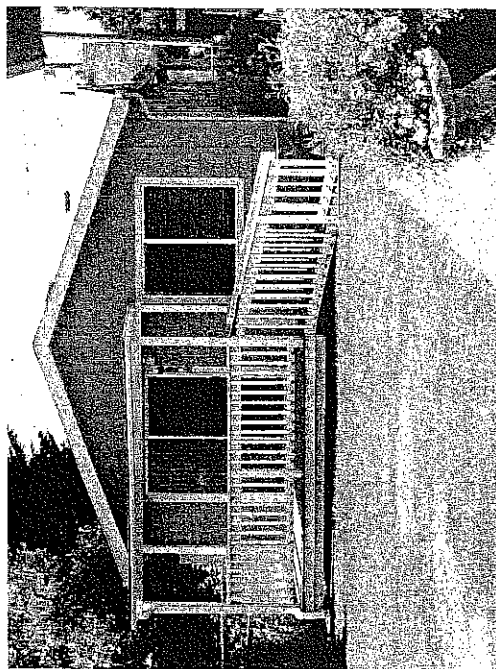
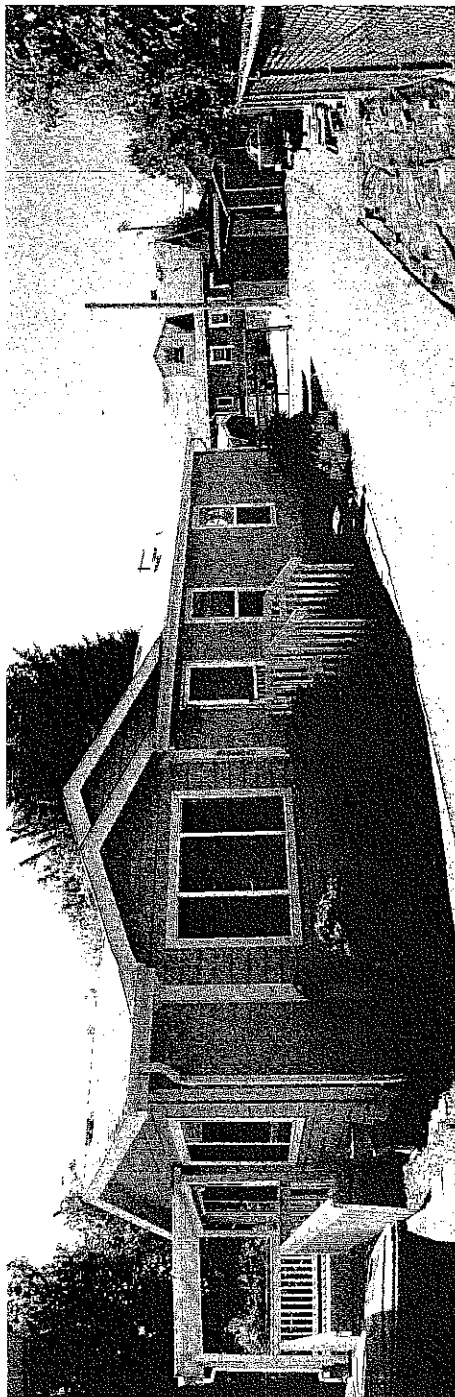
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ADU

223 GARDEN N.
UNIT B

Composite photo taken of the
North side of home, driveway
access from alleyway, with
walk-in access from street from.



Two photos of manufactured home
as it sits presently on the property.

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Composite photo taken from
from porch of ADU facing
primary residence,

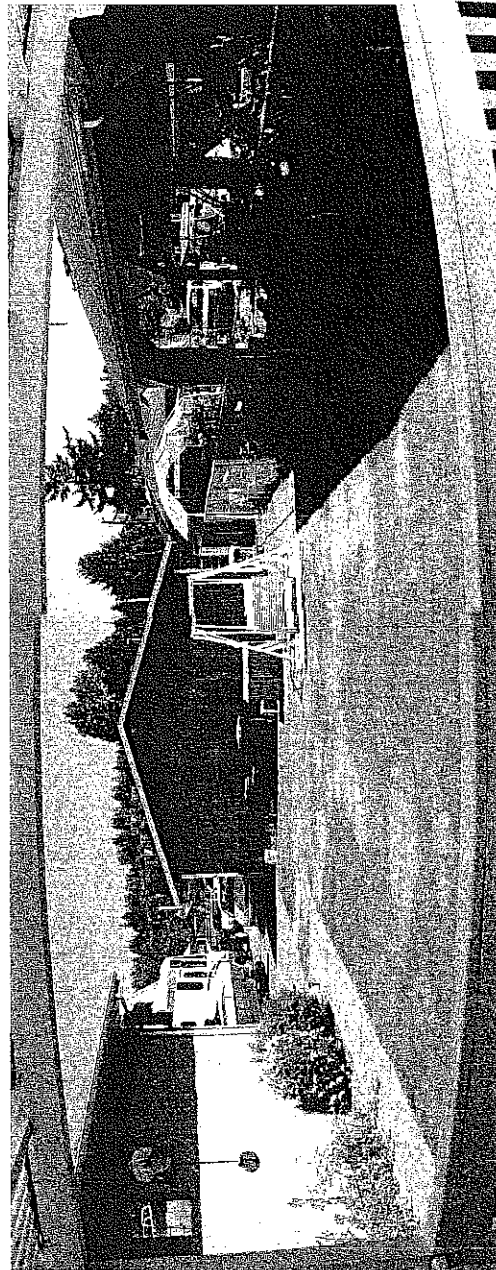


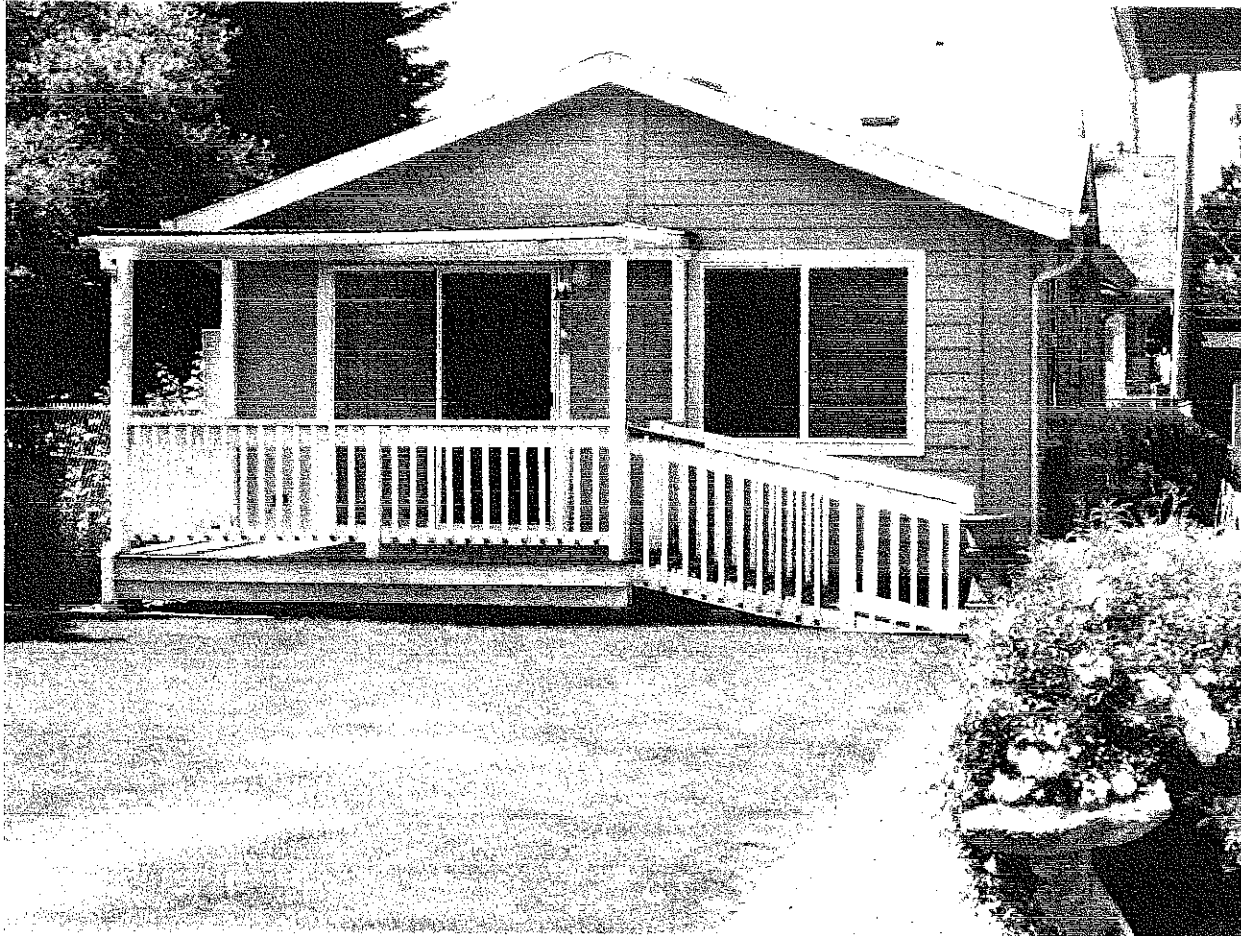
EXHIBIT 5

EXHIBIT 6

Matthew Accessory Dwelling Unit Description:

Champion Homes of Oregon
3443L Silvercrest Classic

Inside Living Area 775 sq. ft. *(calculated by removing exterior and interior wall thicknesses)*



Exterior Demensions 20'X44'

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Planning Division

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